



CLOSED CASE SUMMARY

ISSUED DATE: DECEMBER 10, 2023

FROM: DIRECTOR GINO BETTS 
OFFICE OF POLICE ACCOUNTABILITY

CASE NUMBER: 2023OPA-0264

Allegations of Misconduct & Director's Findings

Named Employee #1

Allegation(s):		Director's Findings
# 1	5.001 - Standards and Duties POL-10. Employees Will Strive to be Professional	Not Sustained - Inconclusive
# 2	5.001 - Standards and Duties POL-2. Employees Must Adhere to Laws, City Policy, and Department Policy	Not Sustained - Inconclusive

This Closed Case Summary (CCS) represents the opinion of the OPA Director regarding the misconduct alleged and therefore sections are written in the first person.

EXECUTIVE SUMMARY:

The named employee (NE#1)—a parking enforcement officer—told Witness Employee #1 (WE#1)—NE#1's supervisor—that NE#1 was the subject of a civil protection order. NE#1's chain of command notified OPA, who opened an investigation into whether allegations against him constituted department violations.

ADMINISTRATIVE NOTE:

On November 17, 2023, the Office of the Inspector General certified OPA's investigation as thorough, timely, and objective.

SUMMARY OF INVESTIGATION:

Superior Court of Washington for Pierce County records showed that Community Member #1 (CM#1)—NE#1's estranged wife—filed a domestic violence protection order (DVPO) against NE#1 on May 17, 2023.¹ The court granted the petition, determining:

"[CM#1] has met the burden of proof by a preponderance of the evidence that [NE#1] has committed acts of domestic violence, namely choking petitioner, removing her from the shared residence against her will and verbal abuse with intent to inflict fear of physical harm and coercive control, admits saying he wanted her to be hit by a car. A reasonable person would assume that to be a threat of physical harm. The court does not find [NE#1] credible based on [its] review of all evidence – photos, emails, texts, declarations, [and] photos documenting injuries to [CM#1's] person. Court finds [CM#1] credible."

¹ That order expires in June 2024.



NE#1 filed a response on May 25, 2023, denying most of the allegations raised in CM#1's petition.² However, NE#1 admitted to "verbal name calling"³ but insisted that CM#1 provoked him by threatening to have sex with another man and restrict access to their son. In response to CM#1's allegation that NE#1 choked her, NE#1 claimed that during that altercation, CM#1 hit him "with hammer fists and prevented [him] from leaving." He said he pressed his hand against CM#1's sternum to get her to stop but denied contacting her neck.

On October 13, 2023, OPA interviewed NE#1. He told OPA that he and CM#1 had "an off-and-on type of relationship" since meeting in May 2019 when they worked as King County Corrections Facility officers. They married on September 11, 2022, after CM#1 became pregnant with their son. NE#1 told OPA that the marriage deteriorated immediately. NE#1 said they were separated, and CM#1 had custody of their son. He described their relationship as tumultuous, including CM#1 making "almost weekly" baseless threats to seek a protection order against him. NE#1 said CM#1's initial DVPO was filed immediately after he told her his intent to seek a temporary restraining order: "She was able to file one with the courts and get it recorded before I did." NE#1 said he and CM#1 must complete a year of court-ordered domestic violence classes. Nevertheless, NE#1 denied threatening or being physically abusive with CM#1.

OPA communicated with CM#1's attorney about interviewing CM#1. An October 12, 2023, email from the Complainant suggested that CM#1 was "willing to provide a recorded interview/audio statement for [OPA's] investigation. That email included CM#1's phone number. When OPA contacted CM#1, she declined to participate in a recorded interview but agreed to answer questions. However, when OPA followed up, CM#1 refused to cooperate.

ANALYSIS AND CONCLUSIONS:

Named Employee #1 - Allegation #1

5.001 - Standards and Duties POL-10. Employees Will Strive to be Professional

It was alleged that NE#1 was unprofessional by mistreating CM#1.

SPD employees must "strive to be professional." SPD Policy 5.001-POL-10. Further, "employees may not engage in behavior that undermines public trust in the Department, the officer, or other officers." *Id.* Moreover, while on duty or in uniform, employees will not publicly ridicule "the Department or its policies, other Department employees, other law enforcement agencies, the criminal justice system, or the police profession. This applies where such expression is defamatory, obscene, undermines the effectiveness of the Department, interferes with the maintenance of discipline, or is made with reckless disregard for truth." *Id.*

For the reasons at Named Employee #1 – Allegation #2, OPA recommends this allegation be Not Sustained – Inconclusive.

Recommended Finding: **Not Sustained - Inconclusive**

² CM#1 filed a "Petitioner's Strict Reply" on May 26, 2023, in response to NE#1's May 25th filing. NE#1 filed a "Responsive Declaration" on June 7, 2023, in response to CM#1's May 26th filing. In response, on June 9, 2023, CM#1 filed a "Declaration in Strict Reply to [NE#1's] Responsive Declaration."

³ NE#1 admitted to calling CM#1 "the C-word" in response to her calling him "inadequate, balding, fat, and [saying he] couldn't do better [than CM#1]." He also claimed that CM#1 told him their son was not biologically his.



Named Employee #1 - Allegation #2

5.001 - Standards and Duties POL-2. Employees Must Adhere to Laws, City Policy, and Department Policy

It was alleged that NE#1 violated the law by assaulting CM#1.

Employees must adhere to laws, City policy, and Department policy. SPD Policy 5.001-POL-2.

Here, unlike the Superior Court of Washington for the County of Pierce, OPA did not have the benefit of examining CM#1's credibility. The Court concluded that NE#1's admission of hoping CM#1 was "hit by a car" was "a threat of physical harm." It cited photos, emails, and text messages⁴ as establishing "proof by a preponderance of the evidence that [NE#1] has committed acts of domestic violence, namely choking [CM#1], removing her from their shared residence against her will and verbal abuse with intent to inflict fear of physical harm and coercive control." The Complainant gave OPA photos purportedly depicting CM#1's injuries caused by NE#1 during a November 2022 attack.



CM#1's court filing indicated that NE#1 "dragged [her] on the floor" when she—pregnant at the time—tried leaving with "his precious computer..." However, NE#1 told OPA he recalled the incident but insisted CM#1 jumped on his suitcase and prevented him from leaving. He denied causing or knowing how the depicted discoloration/bruising was caused. Similarly, NE#1 denied CM#1's allegation that he choked her: "He grabbed (her) by the neck, throat in parentheses, held for a few seconds, and let go."⁵ NE#1 told OPA:

I never choked her. I never did that. And I never kicked her out of the house. She would always leave the house [of] her own volition, even during the pregnancy. I would never -- I'd always plead with her to come home because I was concerned that she was pregnant with the child, and I was worried about his safety with her -- with the mother going out into the public and just like -- this

⁴ OPA reviewed text messages from NE#1 to CM#1 referring to himself as "a bad father" and "a bad husband," but none admitting violence. However, an exchange between CM#1 and NE#1's mother suggested NE#1 was suicidal.

⁵ This quote was taken from CM#1's court filing.



would be like eleven o'clock, 1:00 a.m. in the morning that she would go out with being pregnant, and I was concerned for the safety of my child.

Ultimately, without CM#1's participation, OPA could not probe for further details surrounding her claims. Unfortunately, there was little corroboration for either side. While there are photos of bruises purportedly caused by NE#1, NE#1's mother⁶ also submitted a letter⁷ to the Court claiming that CM#1 filed a false petition against and perpetrated abuse against NE#1:

[CM#1's] filing was not one that was based on fear or domestic violence. She lied on her [temporary restraining order] application in multiple places with the sole objective to take the young child from [NE#1] after the welfare check would not allow her to do so...[NE#1] didn't feel safe being in the same home as [CM#1] when she decided to come to the home. The [temporary restraining order] was about control, control of [NE#1] and the minor child.

I have witnessed the jealousy on countless occasions, the isolating behavior where [NE#1] was afraid of the repercussions of walking out into the yard, talking to a female at work, a checker at a store, a waitress at a restaurant or even being out in public. The worst was while we were at the hospital for the birth of the baby and the accusation of him flirting with the nurses⁸, which, as I was present for the whole time, I can attest didn't happen.

NE#1's mother also described mutual verbal abuse, which NE#1 admitted to OPA.

Without doubt, NE#1 and CM#1 had an unhealthy relationship. However, with limited and competing evidence, OPA cannot determine by a preponderance of the evidence that NE#1 violated the law or policy.

Accordingly, OPA recommends that this allegation be Not Sustained – Inconclusive.

Recommended Finding: **Not Sustained - Inconclusive**

⁶ CM#1 accused NE#1's mother of putting AirTags in her car and baby seat with NE#1's knowledge to track/stalk CM#1.

⁷ Dated June 28, 2023.

⁸ A May 11th text from CM#1 to NE#1 suggested that CM#1 suspected that NE#1 flirted with her nurses: "...see maybe you were flirting with my nurses while I was passed out..."